



October 26, 2001

Ms. Therese Sternenberg  
Officer for Public Information  
Texas Guaranteed Student Loan Corporation  
P.O. Box 201725  
Austin, Texas 78720-1725

OR2001-4909

Dear Ms. Sternenberg:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 154018.

The Texas Guaranteed Student Loan Corporation (the "corporation") received a written request for, among other things, certain personnel information pertaining to a corporation employee.<sup>1</sup> You contend that portions of the requested information are excepted from disclosure under sections 552.117 and 552.130 of the Government Code.

Section 552.117(1) of the Government Code requires that the corporation withhold employees' home addresses, home telephone numbers, social security numbers, and family information, but only if the employee elected to keep this information confidential in accordance with section 552.024 of the Government Code. Whether a particular piece of information is protected by section 552.117(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). Therefore, in order to withhold section 552.117(1) information from disclosure, a proper election must be made prior to the corporation's receipt of the request for information. Because you have submitted evidence that the employee elected to keep her section 552.117(1) information confidential under section 552.024 prior to the corporation's receipt of the current records request, we

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<sup>1</sup>You state that the corporation has previously released to the requestor information pertaining to student loan forgiveness programs, and the organizational structure of the corporation's Customer Assistance Unit, Management Team, and Board of Directors.

agree that the corporation must withhold the information you have marked as coming under the protection of section 552.117(1) of the Government Code.

Section 552.130(a)(1) of the Government Code requires the corporation to withhold "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state." Accordingly, the corporation must withhold the employee's driver's license number pursuant to section 552.130(a)(1) of the Government Code.

Finally, you have requested a finding that this decision letter may be relied upon as a "previous determination" under section 552.301(a) of the Government Code. We decline to issue such a finding at this time.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Karen A. Eckerle  
Assistant Attorney General  
Open Records Division

KAE/RWP/seg

Ref: ID# 154018

Enc. Submitted document

c: Ms. Elaine Sanders  
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Van, Texas 75790  
(w/o enclosures)